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**NEW UTILITY PATENT APPLICATION  
TRANSMITTAL  
(Large Entity)**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Docket No. S85.2-9608

Total Pages in this Submission  
(including checks and postcard)

12/15/00



U.S. PTO

09/738726



12/15/00

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled: **TOOL TO DIRECT BONE REPLACEMENT MATERIAL**

and invented by: Stephen D. Kuslich; Francis C. Peterson; James W. Ahern

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 09/608,079  
filed June 30, 2000

Enclosed (in addition to the 4 pages of this transmittal) are:

**4 pages**

**Application Elements**

1. ☒ Filing fee as calculated below:

a. ☐ filing fee is NOT ENCLOSED - fee will be paid at the time of responding to the Notice of Missing Parts -- DO NOT CHARGE DEPOSIT ACCOUNT

b. ☒ a check in the amount of \$710.00 to cover the filing fee is enclosed.

**1 page**

c. ☐ charge to Deposit Account as authorized at Item 2(a) on next page.

**FEE CALCULATION AND CLAIMS**

For	No. Filed	No. Allowed	No. Extra	Rate	Fee
Total Claims	6	- 20 =		x \$18.00	\$0.00
Indep. Claims	1	- 3 =		x \$80.00	\$0.00
BASIC FEE					\$710.00
TOTAL FILING FEE					\$710.00

continued on next page.....

<p align="center"><b>NEW UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)</b></p> <p align="center"><i>(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))</i></p>	Docket No. S85.2-9608
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**2. The Commissioner is hereby authorized to charge and credit Deposit Account No. 22-0350 as described below. A duplicate copy of this sheet is enclosed.**

- a. ☐ Charge the amount of \$\_\_\_\_ as filing fee.
- b. ☐ Credit any overpayment.
- c. ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- d. ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

**3. ☒ Specification having 9 pages and including the following:**

9 pages

- a. ☒ Application Cover Sheet - 1 page
- b. ☒ Descriptive Title of the Invention -
- c. ☐ Cross References to Related Applications *(if applicable)*
- d. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
- e. ☐ Reference to Microfiche Appendix *(if applicable)*
- f. ☒ Background of the Invention
- g. ☒ Brief Summary of the Invention
- h. ☐ Brief Description of the Drawings *(if applicable)*
- i. ☒ Detailed Description
- j. ☒ Claim(s) as Classified Below - 1 page
- k. ☒ Abstract of the Disclosure -1 page

**4. ☒ Drawing(s) *(when necessary as prescribed by 35 U.S.C. 113)* 4 sheets**

4 pages

**5. ☐ Oath or Declaration -**

\_\_\_\_ pages

- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☐ Copy from a prior application (37 C.F.R. 1.63(d)) *(for continuation/divisional application only)*

**6. ☐ Separate Power of Attorney**

\_\_\_\_ pages

- ☐ 37 C.F.R. 3.73(B) Statement *(when there is an assignee and power of attorney is from assignee)*. It is hereby certified that the undersigned has authority to make this certification and has reviewed all the documents in the chain of title of the patent application identified herein and, to the best of undersigned's knowledge and belief, title is in the assignee identified in the accompanying Power of Attorney.

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☐ Power of Attorney filed in parent application.

7. ☐ Incorporation by Reference *(usable if Box 5b is checked)*

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

8. ☐ Computer Program in Microfiche *(Appendix)* \_\_\_\_\_ pages

9. ☐ Nucleotide and/or Amino Acid Sequence Submission \_\_\_\_\_ pages  
*(if applicable, all must be included)*

a. ☐ Paper Copy

b. ☐ Computer Readable Copy *(identical to computer copy)*

c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

### Accompanying Application Parts

10. ☐ Assignment Papers: \_\_\_\_\_ pages

a. ☐ Assignment Recordation Cover Sheet (Form PTO 1595)

b. ☐ Assignment

c. ☐ A check in the amount of \$\_\_\_\_ to cover the Recordal Fee

d. ☐ Previously recorded on \*\*\*, Reel \*\*, Frames \*\*

11. ☐ English Translation Document *(if applicable)* \_\_\_\_\_ pages

12. ☐ Information Disclosure Statement: \_\_\_\_\_ pages

a. ☐ PTO Form 1449    b. ☐ Copies of IDS Citations

13. ☐ Preliminary Amendment \_\_\_\_\_ pages

14. ☒ Acknowledgement Postcard 1 page

15. ☒ Form of Mailing - Express Mail *(Specify Label No.):* EL668460457US

16. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)* \_\_\_\_\_ pages

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17. ☒ Additional Enclosures *(please identify below)*: 2 pages
- ☒ Constructive Petition for Extension of Time and Fee Authorization Pursuant to 37 C.F.R. §1.136(a)(3) - 1 page
  - ☒ Correspondence Address form - 1 page
  - ☐ \_\_\_\_\_

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: December 15, 2000

By: \_\_\_\_\_

Scott Q. Vidas

Registration No. 30,812

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